

AN ORDINANCE BY 

**AN ORDINANCE TO EXTEND THE MORATORIUM ON THE ENFORCEMENT OF CHAPTER 10, ARTICLE II, DIVISION II, SECTION 10-57(3), OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, FROM DECEMBER 31, 2006 UNTIL DECEMBER 31, 2007; AND FOR OTHER PURPOSES.**

**WHEREAS**, Ordinance 04-O-0044 amended Chapter 10, Article II, Division II, Section 10-57(3) of the Code of Ordinances of the City of Atlanta, Georgia, so as to require establishments licensed to sell alcoholic beverages as nightclubs to maintain certain exclusive parking for its patrons during certain evening hours ("Amendment"); and

**WHEREAS**, certain establishments licensed to sell alcoholic beverages as nightclubs filed a lawsuit against the City of Atlanta ("City") challenging the legality of the Amendment; and

**WHEREAS**, the City determined that if the Amendment were to be enforced the City could be held liable for significant damages upon court's finding that the Amendment was illegal; and

**WHEREAS**, on May 1, 2006, the City Council passed Ordinance 06-0-0941 and the Mayor approved the same on May 10, 2006, which placed a temporary moratorium on the enforcement of Chapter 10, Article II, Division II, Section 10-57(3), of the Code of Ordinances of the City of Atlanta ("City"), Georgia, until December 31, 2006; and

**WHEREAS**, the City now wishes to extend the moratorium on the enforcement of the Amendment from December 31, 2006 until December 31, 2007, in order for there to be a court determination regarding the legality of the Amendment prior to its enforcement.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:**

**Section 1:** That the moratorium on the enforcement of Chapter 10, Article II, Division II, Section 10-57(3), of the Code of Ordinances of the City of Atlanta, is hereby extended from December 31, 2006 until December 31, 2007.

**Section 2:** That all ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.